

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:05-cv-00329-GKF-PJC
)	
TYSON FOODS, INC., et al.)	
)	
Defendants.)	

JOINT MOTION FOR EXTENSION OF CERTAIN PRE-TRIAL DEADLINES

Comes now Plaintiff, the State of Oklahoma, ex rel. W.A. Drew Edmondson, in his capacity as Attorney General of the State of Oklahoma, and Oklahoma Secretary of the Environment, J.D. Strong, in his capacity as the Trustee for Natural Resources for the State of Oklahoma under CERCLA (the “State”) and Defendants Tyson Foods, Inc., Tyson Chicken, Inc., Tyson Poultry, Inc., Cobb-Vantress, Inc., Peterson Farms, Inc., George’s, Inc., George’s Farms, Inc., Cargill, Inc., Cargill Turkey Production, LLC, Simmons Foods, Inc., Cal-Maine Foods, Inc., Cal-Maine Farms, Inc., and Willow Brook Foods, Inc. (“Defendants”) and respectfully move the Court for an extension of certain pre-trial deadlines contained in the Court’s November 15, 2007 Scheduling Order (Dkt. No. 1376) and April 24, 2009 Scheduling Order (Dkt. No. 2003). In support of this motion, the parties state as follows:

1. Currently, the following deadlines are in place pursuant to the Court’s November 15, 2007 Scheduling Order (Dkt. No. 1376) and April 24, 2009 Scheduling Order (Dkt. No. 2003):
 - a. It is unclear to counsel whether the current deadline for the exchange of exhibits and designations of depositions/interrogatories/requests for admission is June 1, 2009, or August 3, 2009.

- b. Counter-Designations of depositions/interrogatories/requests for admission are to be exchanged between counsel on June 15, 2009.
- c. Transcripts are to be annotated with objections and briefs on unusual objections are to be filed per Local Rule 30.1 on June 29, 2009.

2. The parties have conferred and hereby jointly request a July 1, 2009 deadline for the exchange of exhibits and exhibit lists and an extension of thirty (30) days with respect to each of the remaining above-referenced deadlines, with said extension resulting in the following modified deadlines:

- a. Designations of depositions/interrogatories/requests for admission are to be exchanged between counsel on July 1, 2009.
- b. Counter-designations of depositions/interrogatories/requests for admission are to be exchanged between counsel on July 15, 2009.
- c. Annotated transcripts with objections and briefs on unusual objections are to be filed per Local Rule 30.1 on July 29, 2009.

3. The requested deadlines, as set forth above, will aid the parties in reviewing the voluminous documents produced in this case and substantial number of deposition transcripts to more narrowly identify those exhibits and deposition excerpts that may be offered into evidence at trial. All parties and the Court would benefit from the more measured and careful identification of evidence for use at trial that the requested extensions would allow.

4. The requested deadlines will not affect any other previously scheduled pre-trial deadlines, nor will it affect the scheduled trial date.

WHEREFORE, Plaintiff, the State of Oklahoma, ex rel. W.A. Drew Edmondson, in his capacity as Attorney General of the State of Oklahoma, and Oklahoma Secretary of the

Environment, J.D. Strong, in his capacity as the Trustee for Natural Resources for the State of Oklahoma under CERCLA and Defendants Tyson Foods, Inc., Tyson Chicken, Inc., Tyson Poultry, Inc., Cobb-Vantress, Inc., Peterson Farms, Inc., George's, Inc., George's Farms, Inc., Cargill, Inc., Cargill Turkey Production, LLC, Simmons Foods, Inc., Cal-Maine Foods, Inc., Cal-Maine Farms, Inc., and Willow Brook Foods, Inc. request that their Joint Motion for Extension of Certain Pre-Trial Deadlines be granted.

Respectfully submitted,

BY: /s/ Louis W. Bullock

W. A. Drew Edmondson, Attorney General
Kelly Hunter Burch, Asst. Attorney General
J. Trevor Hammons, Asst. Attorney General
Daniel P. Lennington, Asst. Attorney General

Louis W. Bullock
Robert M. Blakemore
BULLOCK BULLOCK & BLAKEMORE, PLLC

Douglas Allen Wilson
Melvin David Riggs
Richard T. Garren
Sharon K. Weaver
Robert Allen Nance
Dorothy Sharon Gentry
Joseph P. Lennart
David P. Page
RIGGS ABNEY NEAL TURPEN ORBISON & LEWIS

Frederick C. Baker
Lee M. Heath
William H. Narwold
Elizabeth C. Ward
Elizabeth Claire Xidis
Ingrid L. Moll
Jonathan D. Orent
Michael G. Rousseau
Fidelma L. Fitzpatrick
MOTLEY RICE, LLC
COUNSEL FOR PLAINTIFFS

BY: /s/ Michael R. Bond

Michael R. Bond, *appearing pro hac vice*
Erin Thompson, *appearing pro hac vice*
Dustin R. Darst, *appearing pro hac vice*
KUTAK ROCK LLP
234 East Millsap Road, Suite 400
Fayetteville, Arkansas 72703-4099
(479) 973-4200 Telephone
(479) 973-0007 Facsimile

-and-

Robert W. George, OBA #18562
Bryan Burns, *appearing pro hac vice*
TYSON FOODS, INC.
2210 West Oaklawn Drive
Springdale, Arkansas 72762
(479) 290-4067 Telephone
(479) 290-7967 Facsimile

-and-

Patrick M. Ryan, OBA # 7864
Stephen L. Jantzen, OBA # 16247
Paula M. Buchwald, OBA # 20464
RYAN, WHALEY & COLDIRON, P.C.
119 North Robinson, Suite 900
Oklahoma City, Oklahoma 73102
(405) 239-6040 Telephone
(405) 239-6766 Facsimile

-and-

Jay T. Jorgensen, *appearing pro hac vice*
Thomas C. Green, *appearing pro hac vice*
Mark D. Hopson, *appearing pro hac vice*
Gordon Todd, *appearing pro hac vice*
SIDLEY AUSTIN LLP
1501 K Street, N.W.
Washington, D.C. 20005-1401
(202) 736-8000 Telephone
(202) 736-8711 Facsimile

Attorneys for Defendants Tyson Foods,
Inc., Tyson Chicken, Inc., Tyson Poultry,
Inc., and Cobb-Vantress, Inc.

BY: /s/James M. Graves

(SIGNED BY FILING ATTORNEY WITH
PERMISSION)

Woodson W. Bassett III
Gary V. Weeks
James M. Graves
K.C. Dupps Tucker
BASSETT LAW FIRM
P.O. Box 3618
Fayetteville, AR 72702-3618
Telephone: (479) 521-9996
Facsimile: (479) 521-9600

-and-

Randall E. Rose, OBA #7753
George W. Owens
OWENS LAW FIRM, P.C.
234 W. 13th Street
Tulsa, OK 74119
Telephone: (918) 587-0021
Facsimile: (918) 587-6111

Attorneys for George's, Inc. and George's
Farms, Inc.

BY: /s/ A. Scott McDaniel

(SIGNED BY FILING ATTORNEY WITH
PERMISSION)

A. Scott McDaniel, OBA #16460
Nicole M. Longwell, OBA #18771
Philip D. Hixon, OBA #19121
McDANIEL, HIXON, LONGWELL
& ACORD, PLLC
320 South Boston Ave., Ste. 700
Tulsa, OK 74103
Telephone: (918) 382-9200
Facsimile: (918) 382-9282

-and-

Sherry P. Bartley
MITCHELL, WILLIAMS, SELIG,
GATES & WOODYARD, PLLC
425 W. Capitol Avenue, Suite 1800
Little Rock, AR 72201
Telephone: (501) 688-8800

Facsimile: (501) 688-8807

Attorneys for Peterson Farms, Inc.

BY: /s/ R. Thomas Lay

(SIGNED BY FILING ATTORNEY WITH
PERMISSION)

R. Thomas Lay, OBA #5297
KERR, IRVINE, RHODES & ABLES
201 Robert S. Kerr Ave., Suite 600
Oklahoma City, OK 73102
Telephone: (405) 272-9221
Facsimile: (405) 236-3121

-and-

Jennifer S. Griffin
LATHROP & GAGE, L.C.
314 East High Street
Jefferson City, MO 65101
Telephone: (573) 893-4336
Facsimile: (573) 893-5398

Attorneys for Willow Brook Foods, Inc.

BY: /s/ John R. Elrod

(SIGNED BY FILING ATTORNEY WITH
PERMISSION)

John R. Elrod
Vicki Bronson, OBA #20574
P. Joshua Wisley
CONNER & WINTERS, L.L.P.
211 East Dickson Street
Fayetteville, AR 72701
Telephone: (479) 582-5711
Facsimile: (479) 587-1426

-and-

Bruce W. Freeman
D. Richard Funk
CONNER & WINTERS, L.L.P.
4000 One Williams Center
Tulsa, OK 74172
Telephone: (918) 586-5711

Facsimile: (918) 586-8553

Attorneys for Simmons Foods, Inc.

BY: /s/ Robert P. Redemann

(SIGNED BY FILING ATTORNEY WITH
PERMISSION)

Robert P. Redemann, OBA #7454

PERRINE, MCGIVERN, REDEMANN,

REID, BERRY & TAYLOR, P.L.L.C.

Post Office Box 1710

Tulsa, OK 74101-1710

Telephone: (918) 382-1400

Facsimile: (918) 382-1499

-and-

Robert E. Sanders

Stephen Williams

YOUNG WILLIAMS P.A.

Post Office Box 23059

Jackson, MS 39225-3059

Telephone: (601) 948-6100

Facsimile: (601) 355-6136

Attorneys for Cal-Maine Farms, Inc. and Cal-
Maine Foods, Inc.

BY: /s/ John H. Tucker

(SIGNED BY FILING ATTORNEY WITH
PERMISSION)

John H. Tucker, OBA #9110

Theresa Noble Hill, OBA #19119

RHODES, HIERONYMUS, JONES, TUCKER &

GABLE, PLLC

100 W. Fifth Street, Suite 400 (74103-4287)

P.O. Box 21100

Tulsa, Oklahoma 74121-1100

Telephone: (918) 582-1173

Facsimile: (918) 592-3390

-and-

Delmar R. Ehrich

Bruce Jones

Krisann C. Kleibacker Lee

Todd P. Walker
Melissa C. Collins
FAEGRE & BENSON LLP
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, Minnesota 55402
Telephone: (612) 766-7000
Facsimile: (612) 766-1600

-and-

Dara D. Mann
MCKENNA, LONG & ADLRIDGE, LLP
303 Peachtree Street, NE
Suite 5300
Atlanta, GA 30308
Telephone: (404) 527-8579
Facsimile: (404) 527-8849

Attorneys for Cargill, Inc. and Cargill Turkey
Production, LLC

CERTIFICATE OF SERVICE

I certify that on the 7th day of May 2009, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

W. A. Drew Edmondson, Attorney General
Kelly Hunter Burch, Assistant Attorney General
J. Trevor Hammons, Assistant Attorney General
Daniel P. Lennington, Assistant Attorney General

drew_edmondson@oag.state.ok.us
kelly_burch@oag.state.ok.us
trevor_hammons@oag.state.ok.us
daniel.lennington@oag.ok.gov

Douglas Allen Wilson
Melvin David Riggs
Richard T. Garren
Sharon K. Weaver
Robert Allen Nance
Dorothy Sharon Gentry
Joseph P. Lennart
David P. Page
RIGGS ABNEY NEAL TURPEN ORBISON & LEWIS

doug_wilson@riggsabney.com
driggs@riggsabney.com
rgarren@riggsabney.com
sweaver@riggsabney.com
rnance@riggsabney.com
sgentry@riggsabney.com
jlennart@riggsabney.com
dpage@riggsabney.com

Louis W. Bullock
Robert M. Blakemore
BULLOCK BULLOCK & BLAKEMORE, PLLC

lbullock@bullock-blakemore.com
bblakemore@bullock-blakemore.com

Frederick C. Baker
Lee M. Heath
William H. Narwold
Elizabeth C. Ward
Elizabeth Claire Xidis
Ingrid L. Moll
Jonathan D. Orent
Michael G. Rousseau
Fidelma L. Fitzpatrick
MOTLEY RICE, LLC

fbaker@motleyrice.com
lheath@motleyrice.com
bnarwold@motleyrice.com
lward@motleyrice.com
cxidis@motleyrice.com
imoll@motleyrice.com
jorent@motleyrice.com
mrousseau@motleyrice.com
ffitzpatrick@motleyrice.com

COUNSEL FOR PLAINTIFFS

A. Scott McDaniel
Nicole Longwell
Philip D. Hixon
Craig A. Mirkes
MCDANIEL HIXON LONGWELL & ACORD, PLLC

smcdaniel@mhla-law.com
nlongwell@mhla-law.com
phixon@mhla-law.com
cmirkes@mhla-law.com

Sherry P. Bartley
MITCHELL, WILLIAMS, SELIG, GATES & WOODYARD, PLLC
COUNSEL FOR PETERSON FARMS, INC.

sbartley@mwschw.com

R. Thomas Lay
KERR, IRVINE, RHODES & ABLES

rtl@kiralaw.com

David G. Brown
Jennifer S. Griffin
LATHROP & GAGE, L.C.
COUNSEL FOR WILLOW BROOK FOODS, INC.

dbrown@lathropgage.com
jgriffin@lathropgage.com

Robert P. Redemann
David C. Senger
PERRINE, MCGIVERN, REDEMANN, REID, BERRY & TAYLOR, PLLC

rredemann@pmrlaw.net
dsenger@pmrlaw.net

Robert E. Sanders
E. Stephen Williams
YOUNG WILLIAMS P.A.

rsanders@youngwilliams.com
steve.williams@youngwilliams.com

COUNSEL FOR CAL-MAINE FOODS, INC. AND CAL-MAINE FARMS, INC.

George W. Owens
Randall E. Rose
THE OWENS LAW FIRM, P.C.

gwo@owenslawfirm.com
rer@owenslawfirm.com

James M. Graves
Gary V. Weeks
Woody Bassett
K.C. Dupps Tucker
Earl Lee "Buddy" Chadick
BASSETT LAW FIRM

jgraves@bassettlawfirm.com
gweeks@bassettlawfirm.com
wbassett@bassettlawfirm.com
kctucker@bassettlawfirm.com
bchadick@bassettlawfirm.com

COUNSEL FOR GEORGE'S INC. AND GEORGE'S FARMS, INC.

John R. Elrod
Vicki Bronson
Bruce W. Freeman
D. Richard Funk
P. Joshua Wisley
CONNER & WINTERS, PLLC

jelrod@cwlaw.com
vbronson@cwlaw.com
bfreeman@cwlaw.com
dfunk@cwlaw.com
jwisley@cwlaw.com

COUNSEL FOR SIMMONS FOODS, INC.

John H. Tucker
Colin H. Tucker
Theresa Noble Hill
Kerry R. Lewis
Colin C. Deihl
RHODES, HIERONYMUS, JONES, TUCKER & GABLE

jtucker@rhodesokla.com
chtucker@rhodesokla.com
thill@rhodesokla.com
klewiscourts@rhodesokla.com

Terry W. West
THE WEST LAW FIRM

terry@thewestlawfirm.com

Delmar R. Ehrich
Bruce Jones
Krisann C. Kleibacker Lee
Todd P. Walker

dehrich@faegre.com
bjones@faegre.com
kklee@faegre.com
twalker@faegre.com

Melissa C. Collins
FAEGRE & BENSON LLP

mcollins@faegre.com

Dara D. Mann
MCKENNA, LONG & ADLRIDGE, LLP

dmann@mckennalong.com

COUNSEL FOR CARGILL, INC. AND CARGILL TURKEY PRODUCTION, LLC

I also hereby certify that I served the attached documents by United States Postal Service, proper postage paid, on the following who are not registered participants of the ECF System:

Mr. J.D. Strong
Secretary of the Environment
State of Oklahoma
3800 North Classen
Oklahoma City, OK 73118

/s/ Michael R. Bond

Michael R. Bond